

DRAFT DIRECTIVE TRANSMITTAL
WORKFORCE INVESTMENT ACT

Number: WIADD-59

Date: July 17, 2003

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: REVISED WIA 121 RAPID RESPONSE ASSISTANCE FORM

☒ **IMMEDIATE ACTION**

Bring this draft to the attention of the appropriate staff.

☒ **E-MAIL COPY TRANSMITTED**

Number of pages (including coversheet): 10

If there are any problems with this transmittal, please call Celia Guzman at 916/654-9767.

SUBJECT MATTER HIGHLIGHTS:

Please review and comment on the attached draft directive.

Currently, Worker Adjustment and Retraining Notification (WARN) Act on-site Rapid Response activities are tracked and tabulated by the Workforce Investment Division, but, on-site Rapid Response activities conducted by Local Workforce Investment Areas (LWIA) are not recorded in a central database.

In order to capture all on-site Rapid Response activity performed by LWIAs, the Rapid Response Assistance On-Site Visit Report Form (WIA Form 121) is being revised to include reporting of non-WARN Rapid Response events. Type of Industry is also changed to conform to the North American Industry Classification System descriptions of affected industries. The revised form will also allow for cumulative totals of on-site visits both WARN and non-WARN.

COMMENTS ARE DUE BY:

08/08/03

Comments can be submitted through one of the following ways:

- 1) **Web site** — www.edd.ca.gov/wiarep/wiainp.htm
- 2) **Fax** — WID, Attention: Diane Bonar at 916/654-8305
- 3) **E-Mail** — dbonar@edd.ca.gov (Include "draft comments" in the subject line)
- 4) **Mail** — WID / P.O. Box 826880 / MIC 69 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. However, we will not be able to individually respond to comments. **Comments received after the specified due date will not be considered.**

If you have any questions, contact your WID Regional Advisor at (916) 653-6347.

DRAFT DIRECTIVE

WORKFORCE INVESTMENT ACT

Number:

Date:

69:97.js:7413

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: REVISED WIA 121 RAPID RESPONSE ASSISTANCE FORM

EXECUTIVE SUMMARY:

Purpose:

This directive issues a revised Rapid Response On-Site Visit Report WIA Form 121. In order to gain a more accurate picture of Local Workforce Investment Area (LWIA) Rapid Response activities, the Rapid Response On-Site Visit Report is being modified to report more pertinent information on Worker Adjustment and Retraining Notification Act (WARN) visits and to assist LWIAs with collecting data on non-WARN on-site Rapid Response activities. Once completed, these reports will be faxed to the Workforce Investment Division (WID). The revised WIA Form 121 and instructions are attached.

Scope:

The Rapid Response Assistance On-Site Visit Report gathers data on Rapid Response activities. Currently, the reports are sent to LWIAs when a WARN notice is sent to the State by businesses experiencing a closure or layoff. The completed reports are received from the LWIAs and entered into a database. The LWIAs will continue to record non-WARN on-site Rapid Response activities on the revised WIA Form 121, which will then be faxed to WID. The WID will enter these reports into an expanded WARN database that will track all Rapid Response On-Site Visits.

Effective Date:

This Directive becomes effective July 1, 2003.

REFERENCES:

- Workforce Investment Act Sections 101(38) and 134(a)(2)(A)
- Federal Register, Volume 65, Number 156. Part 665.Subpart C, 665.300
- California Labor Code, Section 1400-1408

STATE-IMPOSED REQUIREMENTS:

This directive contains only state-imposed requirements.

FILING INSTRUCTIONS:

Retain this Directive until further notice.

BACKGROUND:

The WIA Form 121 On-Site Visit Report is generated by a WARN notice from an employer. This has been the method for collecting information on Rapid Response activities. Workforce Investment Act (WIA) Rapid Response activities are broader than on-site visits to companies or organizations that have filed a WARN notice with the State. Other rapid response activities such as on-site visits to employers who have not filed a WARN notice, job fairs and multiple visits to WARN employers are not currently compiled into a central database.

The revised WIA Form 121 will now capture all rapid response on-site activities into a central database which will include WARN and non-WARN on-site visits. This will provide more comprehensive information of the scope and volume of Rapid Response activities in California.

POLICY AND PROCEDURES:

On-site visit reporting policy will be expanded as follows:

1. Each WARN Rapid Response On-Site Visit Report (WIA Form 121) should be faxed to WID, Performance Management Unit (PMU); this will allow WID to record multiple visits to employers. Or, a single WIA Form 121 can be faxed which includes all on-site visits.
2. LWIA on-site visits to non-WARN employers or other off-site activities (*off-site does not include One-Stops, Employment Development Department (EDD) offices, Adult Education sites, or Community Colleges*) should also be reported on the WIA Form 121 and faxed to WID Program Management Unit (PMU) at (916) 654-9586.
3. Reports can be faxed on a weekly basis or on a flow basis as they occur. However, all on-site visit reports should be faxed *no later* than the fifth of the month following the LWIAs receipt of the WARN notice or the LWIAs initial Rapid Response contact.

ACTION:

The WIA Form 121 (Revision 7/2003) replaces WIA Form 121 (Revision 5/1999) and should be used for all on-site visits on or after July 1, 2003. The WIA Form 121 and line-by-line instructions are attached and should be forwarded with this directive to LWIA Rapid Response coordinators. The fax number for the Rapid Response WIA Form 121 is (916) 654-9586.

INQUIRIES:

Please direct inquiries about this directive to your assigned [Regional Advisor](#) at (916) 654-6347, or Diane Bonar, Performance Management Unit, at (916) 654-8305.

BOB HERMSMEIER
Chief
Workforce Investment Division

Attachment

RAPID RESPONSE ON-SITE VISIT REPORT LINE ITEM INSTRUCTIONS

The following are line item instructions for the Rapid Response On-Site Visit report. These instructions are intended to assist you with completion of this form.

<i>WARN Notice</i>	<p>Mark the appropriate box to indicate whether a Worker Adjustment and Retraining Notification Act (WARN) notice was filed for this visit.</p> <p>Yes - This report is generated by Workforce Investment Division (WID) and has a checkmark inserted by the WARN database.</p> <p>No - This report is generated by the LWIA and is checked manually by the Local Workforce Investment Area (LWIA).</p>
<i>WARN Number</i>	This number is generated by the WID. If the LWIA has conducted an on-site visit, leave this line blank for automatic generation by WID after the completed form is returned to WID.
<i>Date of Notice</i>	For a WARN notice, this will be the date on the WARN letter from the company. If the LWIA is initiating the Rapid Response, leave blank.
<i>Date of Visit</i>	Record the date of the visit to the company (MM/DD/YYYY). If this report is the result of an additional site visit, enter that date, not the date of the initial on-site visit.
<i>Date Received</i>	This is the date that a WARN notice is received from the company through WID. This number is generated by the WID if there is a WARN notice.
<i>Reporting LWIA</i>	If this is a WARN notice sent from WID, the name of the local area will be filled in. If not, record the name of the local area (or Workforce Investment Board) that provided the on-site rapid response to the company undergoing a layoff, closure or that is receiving any other Rapid Response activity.

LWIA Contact	Enter the name of the LWIA Rapid Response person submitting the WIA Form 121, Rapid Response On-Site Visit report.
LWIA Phone	Enter the telephone number of the LWIA contact.
Company Name	For a WARN notice, the company name will appear here. If this is blank, the LWIA will enter the name of the company receiving Rapid Response services here.
Address	For a WARN notice, the corporate address of the company will appear here, if it differs from the location of the on-site visit. If this is blank, the LWIA will enter the corporate address of the company.
City, State, Zip	For a WARN notice, the city, state, and zip code of the corporate address will appear here. If this is blank, enter the city, state and zip code of the corporate address here.
Facility Affected (including city, state and zip)	For a WARN notice, the street address of where the layoff or closure will occur appears here. If this is blank, the LWIA will enter the street address where the layoff or closure will occur.
WARN Notice Visit	Check the appropriate box. If there is no WARN notice, leave this blank. Yes - For a WARN notice visit. No - If there is no WARN notice visit. Assistance Declined - if the company declines an on-site visit or rapid response information.

<p>Closure/Layoff</p>	<p>For a WARN notice, one box will be checked. If the LWIA is initiating the on-site visit, check whether the action is a closure or a layoff.</p> <p>A plant closing is the permanent or temporary shutdown of a "single site of employment," or one or more "facilities or operating units" within a single site of employment, if the shutdown results in an employment loss during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees.</p> <p>A layoff is a reduction in force which first, is not the result of a plant closing, and second, results in an employment loss at the single site of employment during any 30-day period for:</p> <ul style="list-style-type: none"> (i) At least 33 percent of the active employees, excluding part-time employees, and, (ii) At least 50 employees, excluding part-time employees. <p>A complete copy of WARN regulations can be found at: www.dol.gov/dol/allcfr/ETA/Title20/Part_639/toc.htm or Plant closing, layoff or relocation of 50 or more employees within a 30-day period regardless of percentage of work force. Relocation is defined as a move to a different location more than 100 miles away.</p> <p>(See California Labor Code Section 1400 (c) and (d) and www.edd.ca.gov/eddwarn.htm for a comparison of both laws.)</p>
<p>Contact Person</p>	<p>Enter the name of the on-site person who is the company contact for Rapid Response.</p>
<p>Phone Number</p>	<p>Enter the company contact person's phone number.</p>
<p>Reason for Visit</p>	<p>Check the appropriate box.</p> <p>For Mass Layoff or Closure, see Closure or Layoff definition above.</p> <p>A Layoff Aversion is when the delivery of the range of Rapid Response services results in aversion of the layoff.</p> <p>Business Services are contacts to assist businesses that have not announced plans to lay off employees or to close down.</p> <p>Other means any other services provided.</p>

Employees Affected	For a WARN notice, this will be filled in. If the LWIA is initiating the on-site visit, the LWIA will enter the number of employees affected by the layoff or closure.
Date Closure/Layoff	For a WARN notice this date will be filled in. If the LWIA is initiating the on-site visit, enter the date of the closure/layoff.
Date of Initial RR Activity	Enter the date of the first company contact for Rapid Response. The first contact may be made by telephone, but non-WARNs should list on-site visits.
Number of People Attending Orientation	Enter the number of people attending orientation, Rapid Response workshop.
Is the need for assistance due to economic conditions?	Check the appropriate answer. Yes - The closure or layoff is occurring as a result of economic conditions. No - The closure or layoff is the result of other conditions.
Out-of-State Competition	Check the appropriate box. Yes - The closure or layoff is due to out-of-state competition. No - Out-of-state competition is not a factor in this layoff or closure.
Is the Company moving out of State/Country?	If Yes, record the city/state/country the company is moving to.
Will there be other Company locations impacted in the State of California?	Check the appropriate box. If answering Yes, other locations impacted; list other California cities where layoffs or closures are occurring.
Visit number	If there have been multiple visits to this site, enter the number of the visit to this site (ex. 1, 2, 5, etc.).
Has this company filed multiple WARN notices in the past 12 months?	Check the appropriate box. Yes - The company has filed other WARN notices in the past 12 months. No - This is the first WARN notice in a 12 month period.
Union	Check the appropriate box. Yes - The employees are represented by a union. No - The employees are not represented.

TAA/NAFTA	<p>Check the appropriate box.</p> <p>Yes - Layoff or closure is covered under Trade Adjustment Assistance (TAA) or North American Free Trade Agreement (NAFTA).</p> <p>No - Not covered under TAA/NAFTA.</p>
Who attended meetings with the company?	<p>Check all those that apply: Company, LWIA, Employment Development Department (EDD), Union, CBO (Community-based organization), Other.</p> <p>If Other is marked, enter the name of the other organization attending the meeting.</p>
Type of Industry	<p>Check the type of industry that applies to this company. Only enter one type of industry. The North American Industry Classification System (NAICS) industry abbreviations are listed on the form. If the NAICS is not listed, enter it on line U.</p>
Briefly describe the Rapid Response services that you have provided on this visit to the company	<p>This section provides WID a narrative from the LWIA to answer any questions about the extent of Rapid Response services provided.</p> <p>For example, if the LWIA made extensive efforts to contact the company, say so here. Or, if extensive services were provided, describe them. If there was a labor-management committee formed, state it here.</p>
Status of Assistance	<p>Check the appropriate box:</p> <p><input type="checkbox"/> Program funded through allocated funds.</p> <p><input type="checkbox"/> Application for additional 25% funds from the State.</p> <p><input type="checkbox"/> Filed a TAA petition.</p> <p><input type="checkbox"/> Other.</p>

RAPID RESPONSE ASSISTANCE – On-Site Visit Report

WARN Notice ☐ Yes ☐ No WARN No. _____ Date of Notice _____ Date Visited _____
 WARN Type ☐ Federal ☐ State Date Received _____
 Reporting LWIA _____
 LWIA Contact _____ Phone _____
 Company Name _____

Address _____ WARN Notice Visit
 City _____ State _____ Zip _____ ☐ Yes
 Facility Affected _____ ☐ No
 City _____ State _____ Zip _____ ☐ Assistance Declined
 Contact Person _____ Phone Number _____ ☐ Closure ☐ Layoff

Reason for visit: ☐ Layoff ☐ Closure ☐ Layoff Aversion/Business Services ☐ Other _____
 Employees Affected _____ Date Closure/Layoff _____ Date of Initial RR Activity _____
 Number of people attending the orientation _____
 Is the need for assistance due to: Economic Conditions ☐ Yes ☐ No Out of State Competition ☐ Yes ☐ No
 Is the Company moving out of State? ☐ Yes ☐ No If yes, list City/State/Country moving to: _____
 Will there be other Company locations impacted in the State of California? ☐ Yes ☐ No
 If yes, list cities impacted: _____
 Please indicate the appropriate number if applicable: This is visit number: ☐
 Has this company filed multiple WARN Notices in the past 12 months? ☐ Yes ☐ No

Union ☐ Yes ☐ No TAA/NAFTA ☐ Yes ☐ No

WHO ATTENDED MEETINGS WITH COMPANY

☐ Company ☐ EDD ☐ LWIA ☐ Union ☐ CBO ☐ Other _____

TYPE OF INDUSTRY: Please check one of the following:

- | | |
|--|---|
| <input type="checkbox"/> A. Agriculture, Forestry, Fishing & Hunting | <input type="checkbox"/> L. Professional, Scientific, & Technical Services |
| <input type="checkbox"/> B. Mining | <input type="checkbox"/> M. Management of Companies & Enterprises |
| <input type="checkbox"/> C. Utilities | <input type="checkbox"/> N. Admin. & Support, Waste Mgmt & Remediation Services |
| <input type="checkbox"/> D. Construction | <input type="checkbox"/> O. Educational Services |
| <input type="checkbox"/> E. Manufacturing | <input type="checkbox"/> P. Health Care & Social Assistance |
| <input type="checkbox"/> F. Wholesale Trade | <input type="checkbox"/> Q. Arts, Entertainment, and Recreation |
| <input type="checkbox"/> G. Retail Trade | <input type="checkbox"/> R. Accommodation & Food Services |
| <input type="checkbox"/> H. Transportation & Warehousing | <input type="checkbox"/> S. Public Administration |
| <input type="checkbox"/> I. Information | <input type="checkbox"/> T. Other Services (except Public Administration) |
| <input type="checkbox"/> J. Finance & Insurance | <input type="checkbox"/> U. NAICS Code: _____ |
| <input type="checkbox"/> K. Real Estate, Rental & Leasing | |

Briefly describe the Rapid Response services that you have provided on this visit to the company:

STATUS OF ASSISTANCE

- ☐ Program funded through allocated funds ☐ Filed a Trade Adjustment Assistance Petition
☐ Application for additional 25% funds from State. ☐ Other: _____